

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31562 of 2025

Arising Out of PS. Case No.-18 Year-2024 Thana- SULTANGANJ District- Bhagalpur

1. Shivaji Singh S/o Late Mukhadeo Singh R/o Village- Nonsar, P.S.- Sultanganj, District- Bhagalpur at present residing at Matigadh, P.S.- Baghmara, District- Dhanbad (Jharkhand)
2. Deepak Kumar Ajay S/o Late Anugrah Naraian Singh R/o Village- Nonsar, P.S.- Sultanganj, District- Bhagalpur. Also resident of Gorakh Nath Singh Complex, Road No. 2, Rajendra Nagar, P.S.- Kadam Kuman, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Bhardwaj
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-05-2025 Heard the parties.

2. The petitioners apprehend their arrest in connection with Sultanganj P.S. Case No. 18 of 2024, registered for the offences punishable under Sections 406, 420, 120B and 34 of the Indian Penal Code.

3. Allegation against the petitioners is of duping the informant and despite executing the agreement to sale and realizing Rs.30,10,000/- did not execute the sale. The informant further came to know that the land which was to be sold in his favour that has been later on transferred in the name of co-accused Kunj Bihari Singh.

4. Learned Advocate for the petitioners submitted that



the agreement to sale clearly prescribed the date during which the entire amount was to be paid. However, despite the specific duration, when the informant failed to deposit the entire amount, the petitioner left with no option but sale the same to the other willing buyer. In order to execute the agreement, the informant has also filed Title Suit bearing No. 448 of 2023, which is pending consideration before the Civil Court of competent jurisdiction. Notwithstanding the fact that the tile suit is pending and the agreement was entered into between the parties long back on 10.08.2021 and the last date for payment was prescribed on 28.02.2022, the present FIR came to be lodged in the year 2024 only in order to wreak vengeance and mount pressure. The law is well settled that even if a party to the agreement failed to execute the sale deed, the another party has liberty to approach before the Civil Court for a suit of Specific Performance and institution of criminal case is nothing but misuse of the process of law.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that admittedly an amount of Rs.30,10,000/- was realised by the petitioner from the informant.

6. Considering the materials available on record and



the submissions advanced by the learned Advocates for the parties, this Court taking note of the fact that the matter appears to be predominantly civil in nature and moreover there is delay in lodging of the FIR, coupled with the pendency of the title suit as noted hereinabove, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Bhagalpur in connection with Sultanganj P.S. Case No. 18 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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